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A Limited Liability Partnership

Including Professional Corporations

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Attorneys for Defendant

TESLA, INC. dba TESLA MOTORS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION REGARDING
MOTIONS IN LIMINE, AND FOR
TELEPHONIC OR ZOOM
APPEARANCE AT THE PRE-TRIAL
CONFERENCE; [~~PROPOSED~~] ORDER**

Date: May 11, 2020

Time: 2:00 p.m.

Courtroom: 2, 17th Floor

Judge: Hon. William H. Orrick

Trial Date: June 8, 2020

Complaint filed: October 16, 2017

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

Pursuant to Civil Local Rule 6.2, Plaintiffs Owen Diaz and Demetric Di-az (“Plaintiffs”), and Defendant Tesla, Inc. (“Defendant”) (collectively, the “Parties”), by and through their attorneys of record, hereby submit this Joint Stipulation Regarding Motions in Limine and to Request to Appear Telephonically (or via Zoom) at the Pre-Trial Conference on May 11, 2020 at 2 p.m. Good cause exists given the unforeseen and difficult circumstances resulting from the Coronavirus Disease 2019 (“COVID-19”) pandemic, and the extension of California’s Shelter in Place Order until May 15, 2020. As such, the Parties have agreed: (1) to file their respective Motions in Limine on April 20, 2020; (2) to file oppositions to any Motions in Limine on April 29, 2020; and (3) to appear telephonically or via Zoom at the May 11, 2020 Pre-Trial Conference. Accordingly, the Parties stipulate as follows:

WHEREAS, on October 16, 2017, Plaintiffs filed their Complaint in state court;

WHEREAS, on November 22, 2017, Tesla removed Plaintiffs’ Complaint to the United States District Court for the Northern District of California;

WHEREAS, on December 27, 2019, the Court issued an Amended Pre-trial Order requiring any Motions in Limine to be filed 14 days before the Pre-trial Conference, and any oppositions to Motions in Limine to be filed 7 days before the Pre-trial Conference;

WHEREAS, the Pre-Trial Conference is on May 11, 2020 at 2 p.m., and trial is on June 8, 2020;

WHEREAS, good cause exists given unforeseen and difficult circumstances resulting from the Coronavirus Disease 2019 (“COVID-19”) pandemic, including but not limited to California’s state-wide Shelter In Place Order that is currently in place until May 15, 2020;

WHEREAS, the parties would like to file the Motions in Limine and oppositions well ahead of the dates required in the Amended Pre-Trial Order; and,

WHEREAS, the parties share concerns as to their ability to appear in person at the Pre-Trial Conference.

1 **NOW THEREFORE**, it is hereby stipulated by and between Plaintiffs and Defendant,
2 that:

- 3 (1) The parties will file their respective Motions in Limine on April 20, 2020.
4 (2) The parties will file any oppositions to Motions in Limine on April 29, 2020.
5 (3) The parties may appear telephonically or via Zoom at the Pre-Trial Conference on
6 May 11, 2020 at 2 p.m.

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8 **IT IS SO STIPULATED.**

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11 CALIFORNIA CIVIL RIGHTS LAW GROUP
12 ALEXANDER KRAKOW + GLICK LLP

13 DATED: April 17, 2020

By: /s/ Cimone A. Nunley

14 Lawrence A. Organ
15 Navruz Avloni
16 Cimone A. Nunley
17 J. Bernard Alexander
18 Attorneys for Plaintiff
19 OWEN DIAZ

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21 DATED: April 17, 2020

Bv /s/ Namal Tantula

22 TRACEY A. KENNEDY
23 PATRICIA M. JENG

24 Attorneys for Defendant
25 TESLA, INC. dba TESLA MOTORS, INC.
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27
28

[PROPOSED] ORDER

Based upon the Parties' Stipulation, **as modified below**, and good cause having been shown, **IT IS HEREBY ORDERED THAT:**

- (1) The Parties will file their respective Motions in Limine on April 20, 2020.
- (2) The Parties will file any oppositions to Motions in Limine on April 29, 2020.
- (3) The Parties may appear via Zoom at the Pre-Trial Conference on May 11, 2020 at **10 a.m. Details on Zoom access will be posted on the docket one or two days in advance of the hearing.**

IT IS SO ORDERED.

Dated: April 17, 2020


Hon. William H. Orrick